



October 21, 2003 CPC  
November 18, 2003 CPC  
February 17, 2004 CPC  
April 20, 2004 CPC

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

03SN0316  
(AMENDED)

James Doran Co.

Midlothian Magisterial District  
Watkins Elementary, Midlothian Middle and Midlothian High School Districts  
North line of Midlothian Turnpike

**REQUEST:** Rezoning from Agricultural (A), Community Business (C-3) and General Business (C-5) to Community Business (C-3) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Specifically, exceptions as noted in the attached Textual Statement are requested.

**PROPOSED LAND USE:**

A mixed use development consisting of commercial, office and multifamily residential uses is planned. The applicant has agreed to limit residential development to a maximum of 251 dwelling units.

**(NOTE: IN ORDER FOR THE PLANNING COMMISSION TO CONSIDER THIS REQUEST AT THEIR APRIL 20, 2004, MEETING, A \$130.00 DEFERRAL FEE MUST BE PAID PRIOR TO THE PUBLIC HEARING.)**

**RECOMMENDATION**

Recommend denial for the following reasons:

- A. While the proposed zoning and land uses comply with the Midlothian Area Community Plan, which suggests the property is appropriate for suburban commercial, planned transition and village fringe uses, the proffered conditions do not adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and the Comprehensive Plan. Specifically, the

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need for schools is identified in the County's adopted Public Facilities Plan and Capital Improvement Program and the impact of this development on these facilities is discussed herein. The proffered conditions do not adequately mitigate the impact on school facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

- B. While the applicant has proffered to contribute cash towards mitigating the traffic impact of the residential development within this project, the proffered condition limits the use of the transportation portion of the cash proffer. The use of this money should not be limited, nor should it be allocated to an improvement that is also proffered.
- C. The requested sign exceptions represent a substantial increase in allowable signage, resulting in a potential for additional sign proliferation in this area. The signage allowed by Ordinance is sufficient for the proposed development.

- (NOTES:
- A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS.
  - B. IT SHOULD BE NOTED THAT THE REVISED PROFFERED CONDITIONS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES". THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THE PROFFERS.)

#### CONDITIONS

- 1. The Textual Statement dated 4/8/04 as revised 4/9/04 shall be considered the Master Plan. (P)
- 2. Except as outlined in the Textual Statement, where the standards outlined in Exhibit A conflict with the standards of the Zoning Ordinance the more strict or higher standards shall apply. (P)

#### PROFFERED CONDITIONS

- 1. Public water and wastewater. The public water and wastewater systems shall be used. (U)

2. Tenant size. With the exception of one tenant, no tenant shall exceed 50,000 square feet of gross floor area. Provided further, in no event shall a tenant exceed 68,000 square feet of gross floor area. (P)
3. Access Easement. Prior to any site plan approval, an access easement acceptable to the Chesterfield ("Transportation Department") shall be recorded from Winterfield Road and/or from Midlothian Turnpike as determined by the Transportation Department, across the property to permit vehicular and pedestrian access to the Knabe parcel identified as Tax ID 725-709-7211. (T)
4. Access Winterfield. Direct access from the property to Winterfield Road shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)
5. Access Midlothian Turnpike. Direct access from the property to Midlothian Turnpike shall be limited to three (3) entrances/exits. The easternmost access shall be located towards the eastern property line, and shall be limited to right-turns-in and right-turns-out only. The middle access shall align the existing crossover on Midlothian Turnpike located approximately 900 feet west of the Winterfield Road/LeGordon Drive intersection, and shall be limited to left and right-turns-in and right-turns-out only. The westernmost access shall be located at the western property line, and shall generally align the existing crossover on Midlothian Turnpike located approximately 1,700 feet west of the Winterfield Road/Le Gordon Drive intersection. The exact location of these accesses shall be approved by the Transportation Department. (T)
6. Timbering Restriction. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
7. Burning Ban. The developer shall not use burning to clear or timber the subject properties. (F)
8. Transportation Improvements. To provide an adequate roadway system at the time of complete development, the Developer shall be responsible for the following improvements. The exact length and design of the following improvements shall be approved by the Transportation Department:
  - a. Construction of additional pavement along the westbound lanes of Midlothian Turnpike at both the middle and westernmost access to Midlothian Turnpike, and at the Winterfield Road intersection to provide separate right turn lanes.

- b. Construction of additional pavement along the eastbound lanes of Midlothian Turnpike at the existing crossover that serves the westernmost access to provide adequate dual left turn lanes.
- c. Construction of additional pavement along the eastbound lanes of Midlothian Turnpike at the existing crossover that serves the middle access to provide an adequate left turn lane.
- d. Construction of a large raised median in the middle access onto Midlothian Turnpike to restrict left turns out of the property.
- e. Construction of an additional westbound lane of pavement along Midlothian Turnpike from Winterfield Road, across the property, to the western property line.
- f. Construction of a six (6) lane divided typical section (i.e., two (2) northbound lanes and four (4) southbound lanes) for the westernmost access at its intersection with Midlothian Turnpike.
- g. Construction of a four (4) lane typical section (i.e., one (1) northbound lane and three (3) southbound lanes) for Winterfield Road at its intersection with Midlothian Turnpike.
- h. Construction of a traffic island/circle in Winterfield Road at the approved access, if approved by the Transportation Department and VDOT. In the event a traffic island/circle is not approved for the Winterfield Road access, additional pavement shall be constructed along Winterfield Road at the approved access to provide left and right turn lanes.
- i. Relocation of the ditch to provide an adequate shoulder along the west side of Winterfield Road for the entire property frontage.
- j. Full cost of traffic signalization of the westernmost site access/Midlothian Turnpike intersection and full cost of traffic signal modification at the Winterfield Road/Le Gordon Drive/Midlothian Turnpike intersection, if warranted as determined by the Transportation Department.
- k. Dedication to Chesterfield County, free and unrestricted, of an additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement identified above, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right of way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way the developer shall

only be required to provide road improvement within available right-of-way as determined by the Transportation Department. (T)

9. Phasing. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 8 shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require, among other things, that in conjunction with any development with sole access to Winterfield Road, all the road improvements along Winterfield Road and the right turn lane along Midlothian Turnpike at the Winterfield Road intersection as identified in Proffered Conditions 8.a., g., h., i. and j. shall be completed as determined by the Transportation Department except to the extent the County chooses not to assist in the acquisition of "off-site" right-of-way as set forth in 8(k); and in conjunction with any development with access to Midlothian Turnpike, all road improvements as identified in Proffered Condition 8 shall be completed as determined by the Transportation Department except to the extent the County chooses not to assist in the acquisition of "off-site" right-of-way as set forth in 8(k). (T)
10. Prior to any site plan approval, thirty-five (35) feet of right-of-way along the west side of Winterfield Road, measured from the centerline of that part of Winterfield Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of the County. (T)
11. Prior to any site plan approval, a plan with sufficient design information, as determined by the Transportation Department, for the improvement of Winterfield road north to the Southern Railroad crossing on Winterfield Road in the same general location as the current railroad crossing shall be submitted to and approved by the Transportation Department, and any additional right of way, based on the approved plan, shall be dedicated, free and unrestricted, to and for the benefit of the County. (T)
12. The maximum density of the development shall be 300,000 square feet of shopping Center, 10,000 square feet of general office, 18,000 square feet of high turnover (sit-Down) restaurant and 251 apartment units, or equivalent densities as approved by the Transportation Department. (T)
13. Residential density. There shall be a maximum of two hundred fifty-one (251) dwelling units. (P)
14. Cash proffers. Except and unless otherwise provided herein, the applicant, subdivider or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of dwellings building permit for infrastructure improvements within the service district for the property:
  - a. \$5,025 per dwelling unit, if paid prior to July 1, 2003; or

- b. The amount approved by the Board of Supervisors not to exceed \$5,025 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003. At the time of payment, the \$5,025 will be allocated pro-rata among the facility costs as follows: \$3,547 for transportation, \$598 for parks and recreation, \$324 for libraries, \$346 for fire stations, and \$210 for schools. The \$3,547 for transportation is proffered provided that payments shall be used either for offsite improvements to relocate Winterfield Road (including improvements to the railroad crossing) or for the signalization of the intersection of Midlothian Turnpike and Otterdale Road relocated.
  - c. To the extent the cash payment is not used for the purpose for which proffered within 15 years of receipt, the unused cash shall be returned in full to the payor. (B&M)
15. Architectural treatment. The architectural treatment of the buildings shall be compatible and consistent with the graphic identified as Exhibit A. (P)
16. Design Guidelines. The site shall be designed as generally depicted on Exhibit C and in accordance with Exhibit A. However, the exact location of buildings and parking may be modified provided that the general intent of the plan is maintained with respect to creating a pedestrian environment centered around a main street as described in Proffered Condition 21; buildings "fronting" Midlothian Turnpike and Winterfield Road with no parking or driveways located between the buildings and the roads; uses having a focal point centered around the pond described in Proffered Condition 12; and landscaping in a manner that enhances the pedestrian environment. Commercial buildings adjacent to Midlothian Turnpike and Winterfield Road shall have a traditional storefront design with display windows. (P)
- (STAFF NOTE: COPIES OF THE DESIGN GUIDELINES ARE AVAILABLE IN THE PLANNING DEPARTMENT.)**
17. Pond. To the extent allowed by law and governmental regulations, the existing pond located on Tax IDs 724-709-7661 and 725-709-1125 shall substantially remain and shall be incorporated into the development as an aesthetic amenity. Provided, however, this does not prohibit the redesign or reconfiguration of the pond so long as the pond substantially remains in tact and is used as an aesthetic amenity. (EE)
18. Perimeter non-residential buildings. All non-residential buildings on the perimeter of the project along Winterfield Road and Midlothian Turnpike shall be no more than two and one half stories and shall be designed and constructed consistent with a pedestrian scale development. (P)

19. Dwelling units. Any dwelling units shall be located generally east of the pond located on Tax IDs 724-709-7661 and 725-709-1125 as generally depicted on Exhibit C. Any residential building on the perimeter of the project along Winterfield Road shall be a maximum of two (2) stories for any portion of the building that is within ninety-five (95) feet of the centerline of Winterfield Road. Provided, further, in no event shall any residential building exceed three (3) stories. (P)
20. Clubhouse and pool. Prior to the certificate of occupancy for more than one hundred (100) dwelling units, a clubhouse shall be constructed that shall contain a minimum of five thousand (5,000) gross square feet. Provided further, any sales office within the clubhouse shall not exceed twenty-five (25) percent of the clubhouse's gross square footage. (P)
21. Sidewalks. Sidewalks, and crosswalks where necessary, shall be constructed along the west side of Winterfield Road and north side of Midlothian Turnpike for the entire length of the subject properties adjacent to such roads. If located within the VDOT right of way, the sidewalks and crosswalks shall be constructed to required VDOT standards and materials. Sidewalks shall be a minimum of five (5) feet in width and, if located outside of the right of way, constructed of decorative materials. There also shall be an internal system of sidewalks and crosswalks in the development constructed of decorative materials. Street Trees shall be planted adjacent to Midlothian Turnpike and Winterfield Road. (P & T)
22. Lighting. Along the perimeter of the development adjacent to Winterfield Road and Midlothian Turnpike, pedestrian scale light fixtures shall be installed with a design consistent with the Midlothian Village Guidelines and spaced as may be approved at time of site plan review. The project shall also have an internal system of outdoor lighting, consistent with the pedestrian scale of the development, except as may be approved at time of site plan review. (P)
23. Prohibited Uses and Restrictions West of the Pond. Automobile dealerships, funeral homes or mortuaries, and hospitals shall be prohibited. Uses adjacent to the western side of the pond as generally depicted on Exhibit C shall be limited to restaurant limited to restaurant, cocktail lounges and nightclubs. (P)
24. Winterfield Entrance Uses East of the Pond. Uses east of the pond as generally depicted on Exhibit C shall be limited to those uses permitted by right or with restrictions in the O-2 and C-2 Districts, except as further allowed or restricted herein. Fast food restaurants shall be permitted except there shall be no drive-thru. Further, the first floor of that portion of the building adjacent to and fronting the north side of the Winterfield Road entrance shall be limited to those uses permitted by right or with restrictions in the C-2 District. Provided further, that portion of the building fronting the Winterfield Road entrance shall contain at least two stories and the floors above the first story shall be limited to those uses permitted by right or with restrictions in the R-MF District. The remaining portion of the property north of

the Winterfield Road entrance shall be restricted to those uses permitted by right or with restrictions in the R-MF District. (P)

25. Main Street. The center entrance into the development from Midlothian Turnpike shall be designed as a "main street." To accomplish this, the design of the main street shall include:
- a. A two (2) drive lane street section with two (2) angled parking lanes, starting an adequate distance from Midlothian Turnpike, as determined by the Transportation Department.
  - b. Sidewalks measuring twelve (12) to fifteen (15) feet in width on each side of the street.
  - c. Street trees on each side of the street spaced approximately thirty (30) feet on center.
  - d. Pedestrian scale ornamental street lights located between the street trees.
  - e. A minimum of 20,000 square foot "village green" area designed to serve as a gathering place alongside the main street and located at a strong pedestrian node.
  - f. The stores fronting the main street, which are generally parallel to the main street, shall have a traditional store front design with display windows and pedestrian awnings. (P)

#### GENERAL INFORMATION

##### Location:

North line of Midlothian Turnpike, west of Winterfield Road and also west line of Winterfield Road, north of Midlothian Turnpike. Tax IDs 724-709-2311, 2528, 4210, 5831, 6911, 7661 and 9121; and 725-709-1125 and 7635 (Sheet 5).

##### Existing Zoning:

A, C-3 and C-5

##### Size:

34.5 acres



### Existing Land Use:

Residential, commercial or vacant

### Adjacent Zoning and Land Use:

North - A and I-1 with Conditional Use Planned Development; Single family residential or vacant  
South - A and C-3 with Conditional Use Planned Development; Commercial or vacant  
East - R-7 and A; Single family residential or vacant  
West - A and C-3; Commercial

## UTILITIES

### Public Water System:

There is a twenty-four (24) inch water line extending along the north side of Midlothian Turnpike, adjacent to the request site. In addition, there is a twelve (12) inch water line extending along the west side of Winterfield Road, adjacent to this site. Use of the public water system is intended and has been proffered. (Proffered Condition 1)

### Public Wastewater System:

There is a fifteen (15) inch wastewater trunk line, part of the Michaux Creek trunk system, extending across this site. In addition, there is an eight (8) inch wastewater collector extending along the northern and western boundaries of this site. Use of the public wastewater system is intended and has been proffered. (Proffered Condition 1)

## ENVIRONMENTAL

### Drainage and Erosion:

The property drains north under the adjacent railroad tracks to Michaux Creek and eventually to the James River. It is mostly fields, although a small portion is wooded and should not be timbered without first obtaining a land-disturbance permit from the Environmental Engineering Department (Proffered Condition 6). This will ensure adequate erosion control measures are in place prior to any timbering.

There are no existing or anticipated on- or off-site erosion control problems. The pond on the property is critical to area drainage. Although sites south of Midlothian Turnpike have detention facilities, additional facilities may be required due to the size of the culvert located under the railroad tracks. The pond should therefore be modified to meet today's standards. (Proffered Condition 17)

## PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. The residential component of this development will have an impact on these facilities.

### Fire Service:

The Midlothian Fire Station, Company Number 5, and Forest View Volunteer Rescue Squad currently provide fire protection and emergency medical service. Based on 250 dwelling units, this development could generate forty-five (45) calls per year for service. The applicant has addressed the impact on fire and EMS (Proffered Condition 14). Fire hydrant locations and access requirements will be evaluated at the time of plans review.

The applicant has proffered not to burn land clearing or timbering debris (Proffered Condition 7). This proffer is acceptable to the Fire Department.

The applicant has requested a four (4) foot exception to the thirty (30) foot public access road requirement, to allow twenty-six (26) foot access roads (Textual Statement 11). The fire code requires buildings that exceed thirty (30) feet in height to have a minimum twenty-six (26) foot wide fire access road in the immediate vicinity of the building, to provide access for aerial apparatus.

### Schools:

Approximately 135 school age children will be generated by this development. The site lies in the Watkins Elementary School attendance zone: capacity - 752, enrollment - 832; Midlothian Middle School zone: capacity - 1331, enrollment - 1393; and Midlothian High School zone: capacity - 1568, enrollment - 1614.

This development will have an impact on area schools. There are currently eight (8) trailers at Watkins Elementary, five (5) trailers at Midlothian Middle and five (5) trailers at Midlothian High. The applicant has not offered measures to adequately address the impact of this development on area school needs. (Proffered Condition 14)

### Libraries:

Consistent with the Board of Supervisors' Policy, the impact of development on library services is assessed County-wide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County. Even if the facility improvements that have been made since the Public Facilities Plan was published are taken into account, there is still an unmet need for additional library space.

This development is located such that it would most likely affect the Midlothian Library. The Public Facilities Plan identifies a need for additional library space in this area of the

County. The applicant has offered measures to address the impact of this development on library facilities. (Proffered Condition 14)

Parks and Recreation:

To date, no comments have been received from the Parks and Recreation Department for this request.

Transportation:

The property, consisting of approximately thirty-five (35) acres, is currently zoned Agricultural (A) on approximately twenty-seven (27) acres, Community Business (C-3) on approximately six (6) acres and General Business (C-5) on approximately two (2) acres. The applicant is requesting rezoning to C-3 with a Conditional Use Planned Development to allow the development of a mixed-use project, consisting of retail, office and residential uses.

In accordance with the Development Standards Manual in the Zoning Ordinance, a traffic study is necessary to assist in evaluating the impact of a development of this magnitude. The applicant submitted a traffic study, which satisfies the Transportation Department requirements for an analysis of the proposed development at build-out, based on a twenty (20) year projection of local traffic plus traffic volume projections from anticipated development of adjacent parcels south of Midlothian Turnpike (Route 60). The applicant has proffered a maximum density on the property, consistent with the approved traffic study, of 300,000 square feet of shopping center, 18,000 square feet of high turnover (sit-down) restaurants, 10,000 square feet of general office, and 251 apartments, or other equivalent traffic generators. (Proffered Condition 12)

The proposed development is anticipated to generate approximately 18,000 average daily trips. A total of approximately 620 of these trips will occur in the morning peak hour, and approximately 1,670 in the evening peak hour. These vehicles will be distributed along Route 60 and Winterfield Road, which had 2003 traffic counts of 25,175 and 8,426 vehicles per day, respectively. Based on the twenty (20) year projection with area development as identified in the traffic study, the volume of traffic on this section of Route 60 is anticipated to be approximately 39,400 vehicles per day, and on this section of Winterfield Road is anticipated to be approximately 11,300 vehicles per day. Long term, Route 60 needs to be a six (6) lane facility with dual turn lanes at every major intersection. The intersection of Winterfield Road and Route 60 is very congested (i.e., operates at a Level of Service F). With the traffic projections and the applicant's proffered road improvements, this intersection will still operate at a Level of Service F. The capacity of this intersection could be improved with additional through lanes on Route 60 east of Winterfield Road. However, widening of Route 60 through that area conflicts with the spirit and intent of the Midlothian Area Community Plan. The Plan recommends enhancement of Midlothian by maintaining its "Village" characteristics. The Plan states: "Potential for widening Route 60 is limited between Old Buckingham and Winterfield Roads". No road improvements, other than the

Route 288 Project, are included in the Virginia Department of Transportation (VDOT) Six-Year Improvement Program for this area.

The Thoroughfare Plan identifies Winterfield Road as a collector with a recommended right of way width of seventy (70) feet. The applicant has proffered to dedicate thirty-five (35) feet of right of way, measured from the centerline of Winterfield Road, in accordance with that Plan. (Proffered Condition 10)

The Thoroughfare Plan also identifies a proposed north/south collector ("Winterfield Road Relocated"), with a recommended right of way width of seventy (70) feet, starting just north of Route 60, extending northwest through the subject property and across the Southern Railroad to intersect Winterfield Road south of Salisbury Subdivision. The Board of Supervisors approved this alignment for Winterfield Road Relocated in February 1992. The applicant proposes an eastward shift in the alignment of Winterfield Road Relocated, and as a result, its alignment would follow the current location of Winterfield Road as it crosses the Southern Railroad. The proposed alignment for Winterfield Road Relocated will serve the same traffic function as the currently approved alignment. The applicant has proffered that a plan will be submitted, for the Transportation Department's review and approval, showing the proposed alignment for Winterfield Road Relocated, and that any right of way necessary to accommodate the road extension will be dedicated (Proffered Condition 11). This plan should show, among other things, the proposed alignment of Winterfield Road Relocated off-site and north of the railroad.

Development must adhere to the Development Standards Manual in the Zoning Ordinance relative to access and internal circulation (Division 5). The Thoroughfare Plan identifies Route 60 as a major arterial. Access to major arterials and collectors, such as Route 60 and Winterfield Road, should be controlled. The applicant has proffered that direct access from the property to Route 60 will be limited to three (3) entrances/exits (Proffered Condition 5). The easternmost access will be located towards the eastern property line, and shall be limited to right-turns-in and right-turns-out only. The middle access shall align the existing crossover on Route 60 located approximately 900 feet west of the Winterfield Road/LeGordon Drive intersection, and will be limited to left and right-turns-in and right-turns-out only. The applicant has proffered to install a large raised median in this access to restrict left turns out of the property (Proffered Condition 8.d.). The westernmost Route 60 access shall be located at the western property line, and will generally align the new crossover on Route 60 that was constructed with the Route 288 Project. The applicant has proffered that only one (1) direct access will be provided from the property to Winterfield Road (Proffered Condition 4). The applicant has also proffered to record an access easement from both Route 60 and Winterfield Road across the property to serve the Knabe parcel, located in the northwest corner of the Winterfield Road/LeGordon Drive/Route 60 intersection. (Proffered Condition 3)

The traffic impact of this development must be addressed. The applicant has proffered to: 1) construct additional pavement along the westbound lanes of Route 60 at both the middle and westernmost access, and at the Winterfield Road intersection to provide separate right turn

lanes; 2) construct additional pavement along the eastbound lanes of Route 60 at the existing crossover that serves the westernmost access to provide dual left turn lanes; 3) construct additional pavement along the eastbound lanes of Route 60 at the existing crossover that serves the middle access to provide an adequate left turn lane; 4) construct an additional westbound lane of pavement along Route 60 from Winterfield Road, across the property, to the western property line; 5) construct a six (6) lane divided typical section (i.e., two (2) northbound lanes and four (4) southbound lanes) for the westernmost access at its intersection with Route 60; 6) construct a four (4) lane typical section (i.e., one (1) northbound lane and three (3) southbound lanes) for Winterfield Road at its intersection with Route 60 (note: this improvement should extend at least 300 feet north of Route 60); 7) construct a traffic island/circle in Winterfield Road at the approved access, if approved by the Transportation Department and VDOT. In the event a traffic island/circle is not approved, additional pavement will be constructed along Winterfield Road at the approved access to provide left and right turn lanes; 8) relocate the ditch to provide an adequate shoulder along the west side of Winterfield Road for the entire property frontage; and 9) provide full cost of traffic signalization of the westernmost site access/Route 60 intersection, and full cost of traffic signal modification at the Winterfield Road/LeGordon Drive/Route 60 intersection, if warranted. (Proffered Condition 8)

The developer may need to acquire "off-site" right of way in order to provide some of the proffered road improvements, especially the improvements along Winterfield Road. According to Proffered Condition 8.k, if the developer is unable to acquire the right of way for these improvements, the developer may request the County to acquire the right of way as a public road improvement. All costs associated with the acquisition will be borne by the developer. If the County chooses not to assist with the right of way acquisition, the developer will not be obligated to acquire the "off-site" right of way, and will only be obligated to construct road improvements within available right of way. (Proffered Condition 8.k.)

The applicant has also proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of the residential development within this project (Proffered Condition 14). Cash proffers alone do not cover the cost of the improvements needed to accommodate traffic increases from development. The applicant has further proffered limiting the use of the transportation portion of the cash proffer to the relocation of Winterfield Road or signalization of the westernmost site access/Route 60 intersection. In Proffered Condition 8.j., the applicant also proffered to provide the full cost of traffic signalization at this intersection. This cash proffer money may be needed for a higher priority project within that traffic shed; therefore, the Transportation Department cannot support this request.

Another proffer will require a phasing plan for the proffered road improvements to be submitted, for the Transportation Department's review and approval (Proffered Condition 9). The proffer requires that, dependent upon how the property is initially developed/accessed, certain road improvements must be provided. Specifically, the approved phasing plan will require that in conjunction with any development with sole access to Winterfield Road, all

the proffered road improvements along Winterfield Road and the right turn lane along Route 60 at the Winterfield Road intersection will be constructed. In addition, the approved phasing plan will require that in conjunction with any development with access to Route 60, all of the proffered road improvements will be constructed.

A Richmond Rail Transit Feasibility Study was recently completed for the Richmond Area Metropolitan Planning Organization. The Study looked at possible rail corridors and services in the region, including rail service to the Midlothian area. Staff recommends that, in the event light and commuter rail service is ever provided in the area, a parking area would be provided on the property for parking and the pickup/discharge of passengers. The applicant has indicated that due to development constraints, they are unwilling to commit a parking area for this use.

As previously stated, the applicant has proffered to contribute cash towards mitigating the traffic impact of the residential development within this project. However, the proffered condition limits the use of the transportation portion of the cash proffer to relocation of Winterfield Road or signalization of the westernmost site access/Route 60 intersection. The use of this money should not be limited, nor should it be allocated to an improvement that is also proffered (signalization of the westernmost site access/Route 60 intersection); therefore, the Transportation Department cannot support this request.

At the time of site plan review, specific recommendations will be made regarding access and internal circulation.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	251*	1.00
Population Increase	2.00	2.72
Number of New Students		
Elementary	60.24	0.24
Middle	32.63	0.13
High	42.67	0.17
TOTAL	135.54	0.54
Net Cost for Schools	1,216,597	4,847
Net Cost for Parks	173,943	693
Net Cost for Libraries	94,125	375
Net Cost for Fire Stations	100,651	401
Average Net Cost for Roads	1,031,359	4,109
TOTAL NET COST	2,616,675	10,425

\*Based on a proffered maximum number of units (Proffered Condition 13). The actual number of units developed and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$10,425 per unit. The applicant has been advised that a maximum proffer of \$9,000 per unit would defray the cost of the capital facilities necessitated by this proposed development. The applicant has offered cash in the amount of \$5,025 per unit (Proffered Condition 9). This amount adequately addresses the impact on each of these capital facilities categories with the exception of schools and transportation. Consequently, the County's ability to provide adequate school and transportation facilities will be adversely affected.

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Midlothian Area Community Plan which suggests the property is appropriate for suburban commercial, planned transition and village fringe uses.

Specifically, the Plan suggests uses west of an on-site pond may include retail shopping centers, office-service establishments and similar uses (suburban commercial). Office, medium density housing, personal services and community facilities, uses that contribute to a transition to the Midlothian Village area to the east, are deemed as more appropriate for the area located east of the pond (planned transition). Uses consistent with those suggested for the planned transition area are also appropriate for a small parcel in the southeast corner of the request site located in the village fringe area.

#### Area Development Trends:

Most of the adjacent property to the north is zoned A and is vacant, while a small portion is zoned I-1 with Conditional Use Planned Development and is an undeveloped portion of the Sommerville Development. Property to the south is zoned C-3 with Conditional Use Planned Development and is occupied by commercial uses or remains vacant. Single family residential use exists on adjacent property located in the northwest quadrant of Midlothian Turnpike and Winterfield Road. Property to the east, east of Winterfield Road, is zoned and developed for residential uses on large acreage parcels and in Alexandria Station Subdivision or remains vacant. Adjacent property to the west is zoned and developed to permit commercial uses.

#### Zoning History:

On May 23, 1979, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved the rezoning of a portion of the request site with frontage on Midlothian Turnpike (Case 79S059). In addition to other permitted general business uses, a motor vehicle sales use was planned.

On February 22, 1984, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved a Conditional Use to permit a lawn and garden equipment sales and service business on a portion of the request site with frontage on Midlothian Turnpike. (Case 83S205)

On April 27, 1988, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved a Conditional Use to permit mini-warehouses and outdoor recreational facilities on a portion of the request site. (Case 88S019)

#### Development Standards:

Currently, the request property lies within Emerging Growth and Village District areas. The purpose of the Emerging Growth District Standards is to promote high quality, well-designed projects. The purpose of Village District Standards is to recognize unique villages within the County and to maintain and reinforce the character, identity and pedestrian scale by continuing and enhancing existing patterns of development. Where not addressed in the applicant's Textual Statement or Proffered Conditions, redevelopment of the site or new construction for commercial and office use must conform to the requirements of the Zoning



Ordinance, which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities, and screening of dumpsters and loading areas. It should be noted, the applicant has requested an exception to certain requirements.

A conceptual plan (Exhibit C) has been submitted in conjunction with this request (Proffered Condition 16). The intent of Exhibit C is to depict a planned pedestrian scale environment centered on a main street as described in Proffered Condition 25.

Proffered Condition 3 would require that vehicular and pedestrian connections be made between the development and Tax ID 725-709-7211, located in the northwest quadrant of the intersection of Midlothian Turnpike and Winterfield Road.

The applicant has agreed to provide street trees along Midlothian Turnpike and Winterfield Road; a pedestrian circulation system throughout the development and along Midlothian Turnpike and Winterfield Road; and pedestrian scale lighting. (Proffered Conditions 21 and 22)

#### Uses West of the Pond:

Within that area shown on the plan west of the pond, commercial development is intended. In order to provide a "main street" feel to the development, the applicant has requested exceptions to Ordinance requirements relative to setbacks and the number of required parking spaces (See Textual Statement). In addition, Proffered Condition 2 would limit the size of individual tenants in the development. Commercial uses would be limited to those uses permitted in the Community Business (C-3) District, except as restricted by Proffered Condition 23. Further, the area adjacent to the western side of the pond is limited to restaurant, cocktail lounge and nightclub uses. (Proffered Condition 23)

A "main street" area is planned for development off of the center entrance from Midlothian Turnpike (Proffered Condition 25). A "village green" area of at least 20,000 square feet is to be provided within this area. In addition to drive aisles and parking, this area would contain twelve (12) to fifteen (15) foot wide sidewalks; street trees; ornamental streetlights; and traditional storefronts with display windows and awnings.

#### Uses East of the Pond:

Within that area shown on the plan east of the pond, commercial, office and multifamily residential development is intended. Like commercial and office development proposed west of the pond, the applicant has requested exceptions to Ordinance requirements relative to setbacks and the number of required parking spaces (See Textual Statement). Commercial and office uses would be limited to those uses permitted by right and with restrictions in the Neighborhood Business (C-2) and Corporate Office (O-2) Districts, except as further allowed or restricted in Proffered Condition 24.

Multifamily residential development would be limited to a specific area on the property (Proffered Condition 24), and to a maximum of 251 dwelling units (Proffered Condition 13). The applicant is requesting exceptions to Ordinance requirements for multifamily residential

development, as noted in the Textual Statement. Specifically, the requested exceptions relate to setbacks, number of required parking spaces, minimum acreage requirements, dwelling units per floor, width of public access roads, percentage of parcel coverage, distance between buildings, recreational area required and buildings fronting on an adjacent or internal public road. As a component of the multifamily residential development, the applicant has agreed to provide a clubhouse and pool. The clubhouse is to be constructed prior to issuance of the 101<sup>st</sup> certificate of occupancy for multifamily uses. (Proffered Condition 20)

#### Signage:

This request includes exceptions to Ordinance requirements for signs (See Textual Statement, Item 19). If approved as requested, a substantial increase in allowable signage would be permitted, resulting in a potential for additional sign proliferation in this area. The signage allowed by Ordinance is sufficient for the proposed development and, therefore, staff cannot support the requested exceptions.

#### Building Heights:

In addition to Ordinance requirements for building heights, the applicant has agreed to further restrict the heights of non-residential buildings along Winterfield Road and Midlothian Turnpike and residential buildings within the development. (Proffered Conditions 18 and 19)

#### Architectural Treatment:

Architectural treatment of buildings, including materials, color and style, must be compatible with buildings located within the same project. Compatibility may be achieved through the use of similar building massing, materials, scale, colors and other architectural features.

Within Emerging Growth Areas, no building exterior which would be visible to any A, R, R-TH, R-MF or O District or any public right of way may consist of architectural materials inferior in quality, appearance or detail to any other exterior of the same building. There is, however, nothing to preclude the use of different materials on different building exteriors, but rather, the use of inferior materials on sides which face adjoining property. No portion of a building constructed of unadorned concrete block or corrugated and/or sheet metal may be visible from any adjoining A, R, R-TH, R-MF or O District or any public right of way. No building exterior may be constructed of unpainted concrete block or corrugated and/or sheet metal. These requirements would be applicable to this development. In addition, the applicant has submitted Exhibit A to further address architectural treatment of buildings. (Proffered Condition 15)

### CONCLUSIONS

While the proposed zoning and land uses coupled with the site design comply with the Midlothian Area Community Plan, which suggests the property is appropriate for suburban commercial, planned transition and village fringe uses the proffered conditions do not adequately address the impacts of

this development on necessary capital facilities, as outlined in the Zoning Ordinance and the Comprehensive Plan. Specifically, the need for schools is identified in the County's adopted Public Facilities Plan and Capital Improvement Program and the impact of this development on these facilities is discussed herein. The proffered conditions do not adequately mitigate the impact on school facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens. In addition, while the applicant has proffered to contribute cash towards mitigating the traffic impact of the residential development within this project, the proffered condition limits the use of the transportation portion of the cash proffer. The use of this money should not be limited, nor should it be allocated to an improvement that is also proffered.

The requested sign exceptions represent a substantial increase in allowable signage, resulting in a potential for additional sign proliferation in this area. Staff feels the signage allowed by the Ordinance is sufficient for the proposed development.

Given these considerations, denial of this request is recommended.

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#### CASE HISTORY

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##### Planning Commission Meeting (10/21/03):

On their own motion, the Commission deferred this case to November 18, 2003.

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##### Staff (10/22/03):

The applicant was advised in writing that any significant new or revised information should be submitted no later than October 27, 2003, for consideration at the Commission's November 18, 2003, public hearing.

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##### Staff (10/27/03):

To date, no new information has been submitted.

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##### Planning Commission Meeting (11/18/03):

At the request of the applicant, the Commission deferred this case to February 17, 2004.

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##### Staff (11/19/03):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than December 15, 2003, for consideration at the Commission's

February 17, 2004, public hearing. Also, the applicant was advised that a \$130.00 deferral fee must be paid prior to the Commission's public hearing.

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Applicant (1/8/04):

The applicant submitted draft copies of revised proffered conditions and Textual Statement.

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Applicant (1/15/04):

The applicant submitted a traffic analysis.

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Applicant and Staff (1/23/04):

A meeting was held to discuss the recently submitted documents. Staff advised the applicant of additional time required to review and comment on the documents and noted a request for deferral might be appropriate.

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Applicant (1/29/04):

A request for deferral was submitted. The \$130.00 deferral fee has not been paid.

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Planning Commission Meeting (2/17/04):

At the request of the applicant, the Commission deferred this case to April 20, 2004.

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Staff (2/18/04):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than February 23, 2004, for consideration at the Commission's April 20, 2004, public hearing. Also, the applicant was advised that a \$130.00 deferral fee must be paid prior to the Commission's public hearing.

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Applicant (2/23/04):

The applicant submitted draft copies of revised proffered conditions and Textual Statement.

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**Applicant, Area Property Owners, Staff and Midlothian District Supervisor (3/3/04):**

A meeting was held to discuss the request. Concerns were expressed relative to the public hearing process, sizes of buildings, preservation of natural habitat and improvements to Winterfield Road.

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**Applicant (4/8/04 and 4/9/04):**

The applicant submitted revised proffered conditions, Textual Statement and conceptual plan.

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**Applicant (4/12/04):**

Revisions were submitted.

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### Textual Statement

Requested: Rezone from general business C-5 of 1.3 acres, from C-3 of 6.1 acres, from agriculture A of 27.1 acres, to C-3 with CUPD.

Specifically, the applicant requests the following exceptions to required zoning conditions:

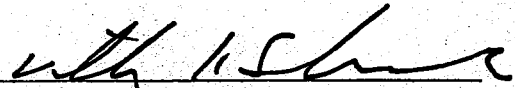
1. A fifty (50) foot exception to the fifty (50) foot setback requirement adjacent to Midlothian Turnpike.
2. A twenty-five (25) foot exception to the twenty-five (25) foot setback requirement adjacent to Winterfield Road.
3. A fifty (50) foot exception to the fifty (50) foot setback requirement from Winterfield Road and the northern property line for any RMF use.
4. Exceptions to the number of required parking spaces as follows:
  - a. A 0.5 parking space exception to the number of required parking spaces for R-MF housing, which reduces the required parking spaces from 2.0 parking spaces per dwelling unit to 1.5 parking spaces per dwelling unit.
  - b. A 0.66 parking space exception for the required parking spaces for a commercial shopping center, which reduces the required parking spaces from 4.4 parking spaces per one thousand (1,000) square feet of gross floor area to 3.74 parking spaces per one thousand (1,000) square feet of gross floor area.
5. An exception to the requirement that no more than 30% of the site's gross acreage be used for R-MF use to permit a maximum of 33% of the site's gross acreage to be used for R-MF use.
6. A thirty-four (34) acre exception to the requirement that C-3 zoning contain a minimum of sixty-seven (67) acres to permit R-MF uses in a multi-use development.
7. A ten (10) acre exception to the requirement that R-MF uses contain a minimum of twenty (20) acres.
8. A thirteen (13) unit per acre exception to the residential density limitation of fourteen (14) units per acre to permit a maximum residential density of twenty-seven (27) units per acre.

9. A fifteen (15) unit exception to the (10) ten dwelling units per floor limitation to permit a maximum of twenty-five (25) dwelling units per floor.
10. A twenty-five (25) foot exception to the twenty-five (25) foot set back requirement from interior driveways for residential buildings.
11. A (four) 4 foot exception to the thirty (30) foot public access road requirement for residential units, to allow a twenty-six (26) foot wide public road access.
12. An exception to the requirement that construction be begun on a minimum of fifty (50%) of the gross site area devoted to non-residential uses before construction of the RMF uses.
13. An exception to the requirement that all residential buildings, including accessory buildings, on any parcel shall not cover more than forty (40) percent of the parcel's area.
14. A fifteen (15) foot exception to the requirement that all residential structures, including accessory structures, be located at least fifteen (15) feet from any parking space.
15. An exception to the requirement that the minimum distance between buildings shall be thirty (30) feet plus five feet for each story above three (3) stories.
16. An exception to the requirement that an area accessible to and included within the development of not less than ten (10) percent of gross acreage shall be provided for suitable recreational use and in no event less than 1-1/2 acres be provided.
17. An exception to the requirement that apartment buildings constructed along an adjacent or internal public road front that road.
18. A twenty (20) foot height exception to the requirements of County Code Section 19-598(4), relative to heights of structures within 100 feet of undeveloped property within an R, R-TH, MH or R-MF District.
19. Sign exceptions are granted as follows:
  - a. Entrance signs shall be permitted along Midlothian Turnpike at each entrance to the development. One sign may be constructed as the Main Entrance sign and shall be a maximum of twenty-five (25) feet in height and shall contain a maximum of two hundred and fifty (250) square feet of sign area on each side of this sign. All other entrances along Midlothian turnpike shall be deemed secondary entrances and shall be a

maximum of eight (8) feet in height with a maximum of fifty (50) square feet of sign area on each side of the sign. The signs shall be consistent with Design Guideline 4.1.

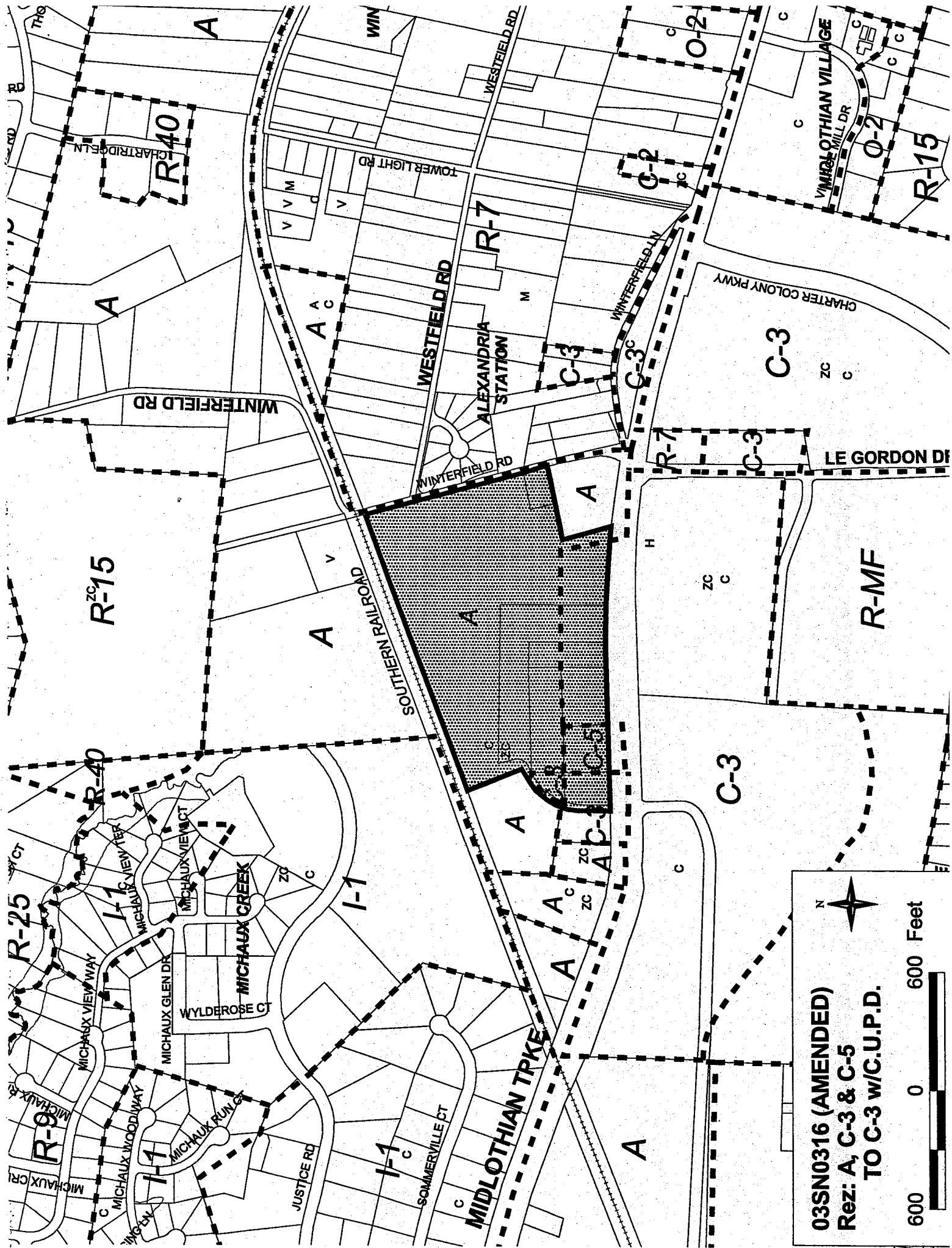
- b. There shall be one main entrance sign permitted along Winterfield Road. The sign shall be a maximum of eight (8) feet in height and shall contain a maximum of seventy five (75) square feet of sign area on each side of the sign. The main entrance sign along Winterfield Road shall be consistent with Design Guideline 4.1.
  - c. Two (2) district signs internally located in the project shall be permitted, each of which shall be a maximum of fifty (50) square feet and shall be consistent with Design Guideline 4.1.
  - d. An exception to allow tenant signs located within the project that are consistent with Design Guideline 4.1.1.
- 20. An exception to the Midlothian Village Standards on Tax ID 725-709-7635.
  - 21. An exception to perimeter landscaping requirements along Midlothian Turnpike and Winterfield Road. Provided, however, such perimeter landscaping shall be consistent with the landscaping requirements of Design Guideline Section 2.2.
  - 22. A twenty (20) foot exception to the corner side yard set back requirements adjacent to Tax ID 725-709-7211 if perimeter landscaping B is provided within the setback.

Date: 4-8-04



Revised 4-9-04





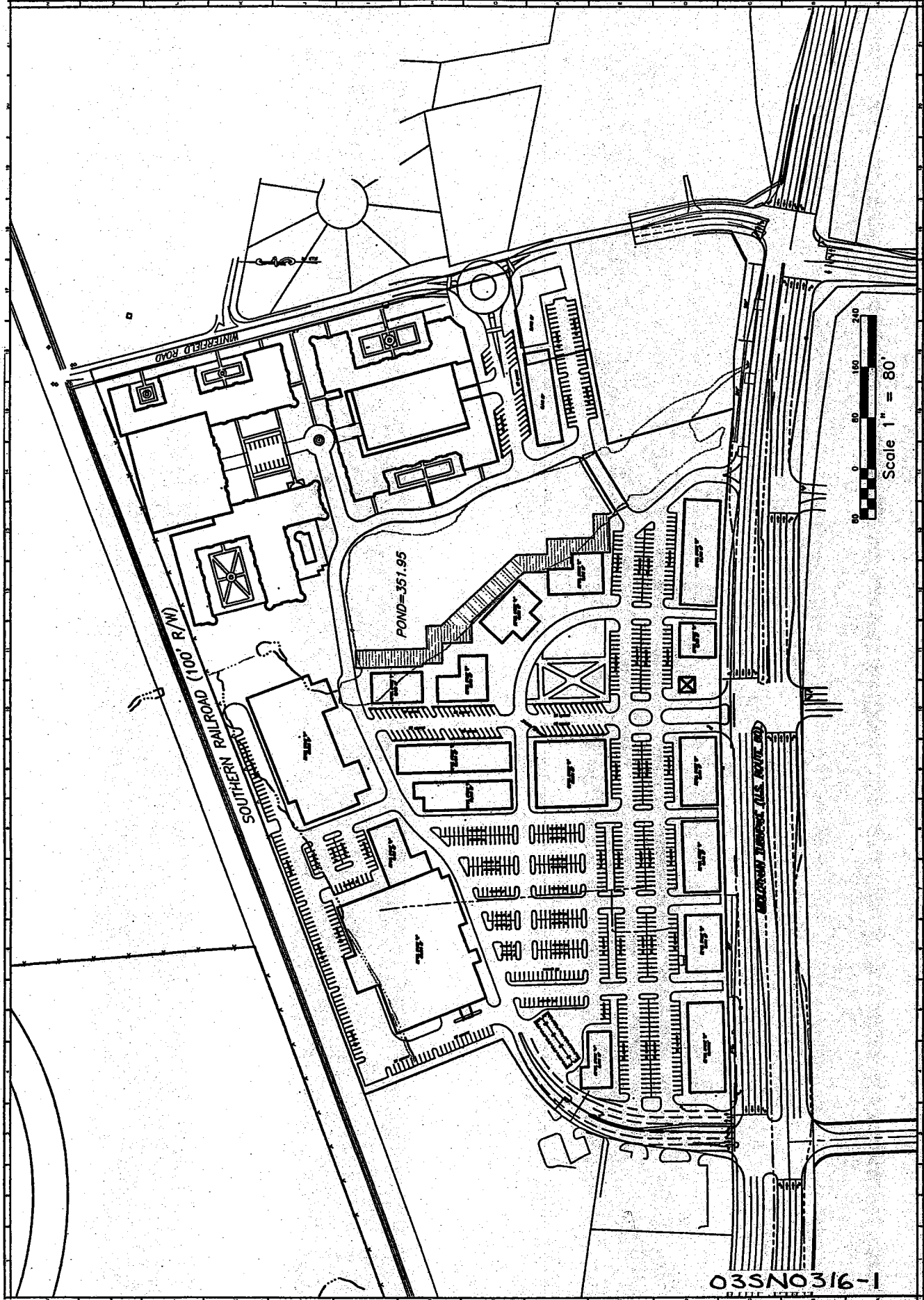
03SN0316 (AMENDED)

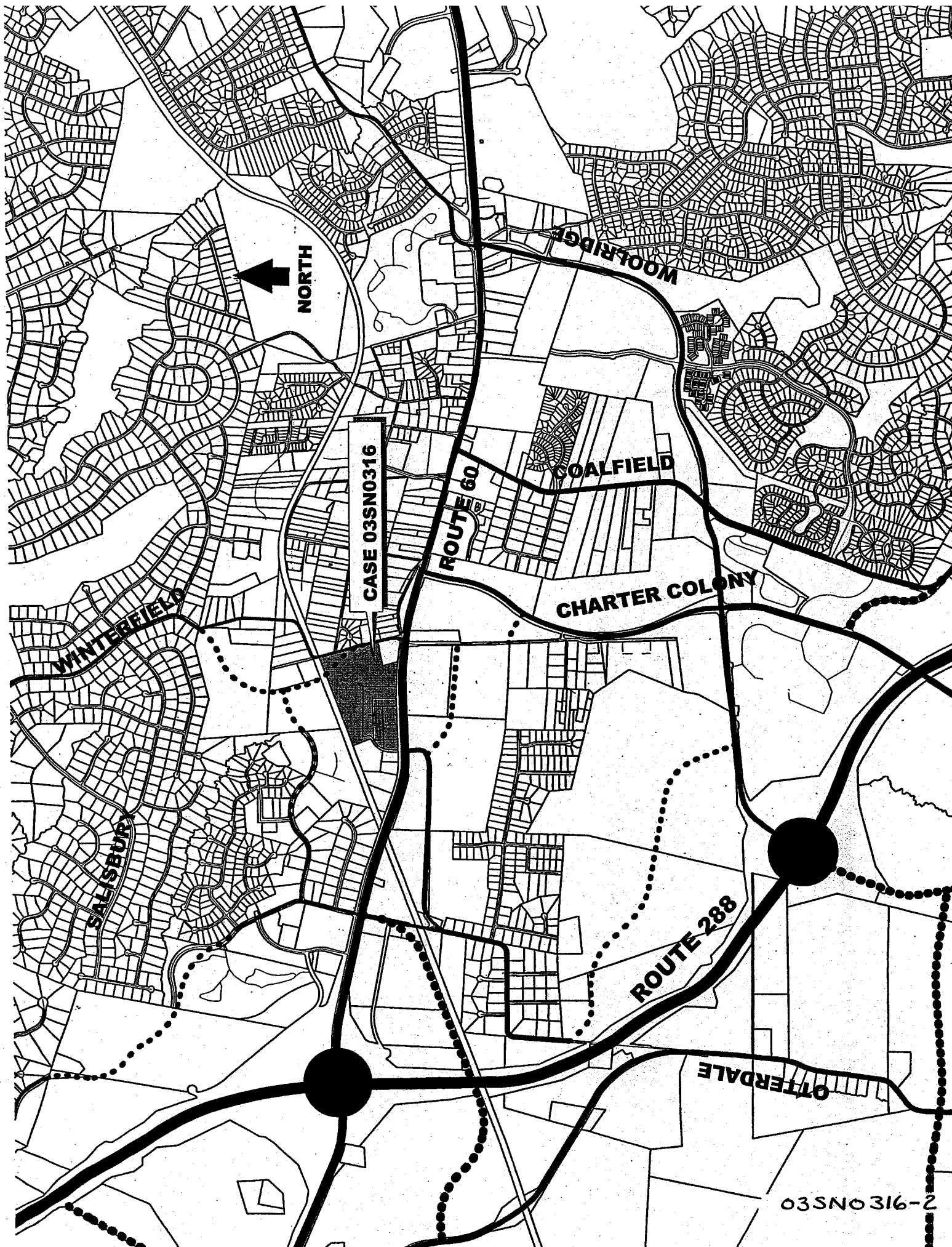
Rez: A, C-3 & C-5

TO C-3 w/C.U.P.D.



600 0 600 Feet





CASE 03SN0316

ROUTE 60

COALFIELD

CHARTER COLONY

ROUTE 288

OTTERDALE

03SN0316-2

